IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.494 OF 2007

Shri.Ravindra Rangarao Ingale ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mr.B.R.Patil counsel for applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 26, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 28 of 2006 of Gadhinglaj Police Station. The said case is mainly under Section 302 of IPC.

3. Mr.Patil, the learned counsel for the applicant submitted that the complainant cannot be an eye witness as he could not have reached at the scene of offence at the relevant time. However, the learned A.P.P. has pointed that besides the complainant, there is one other eye witness i.e. Shankar who has also implicated the applicant. The material on record shows that the applicant

assaulted the deceased i.e. Kalinga Lohar with sickle in broad day light near a temple. The reason for assault was that there was a property dispute between the applicant and the deceased and the suit relating to the said disputed property was decided in favour of the deceased.

4. Mr.Patil, the learned counsel for the applicant submitted that evidence of recovery, cannot be relied upon in the present case as there are several lacunae in respect of the said recovery. However, as I am not inclined to rely on the circumstance of recovery, I do not think it necessary to deal with those submissions.

5. In the present case, there are two eye witnesses who have stated that the applicant has assaulted the deceased and cut his throat with sickle. Besides this injury, there are several other injuries on the vital parts of the body by sickle. In this view of the matter, I do not think that this is a fit case to grant bail.

6. Application is rejected.

[V.K.Tahilramani, J.]